



## Development Services Department

### ZONING ADMINISTRATOR

#### NOTICE OF DECISION

Date: February 11, 2011  
Applicant: Centro de Amistad Church  
Case No : PCC-09-086  
Address: 656 B Marsat Court, Chula Vista, Ca.  
A.P.N.: 622-230-18-00  
Project Planner: Miguel Z. Tapia, AICP, Senior Planner

Notice is hereby given that on February 11, 2011, the Zoning Administrator considered Conditional Use Permit Application PCC-09-086 filed by Centro de Amistad Church ("Applicant"), at 656 B Marsat Court, Chula Vista, Ca. ("Project Site"). The Project Site is zoned Limited Industrial (IL) and has a General Plan designation of Limited Industrial (IL). The Property is owned by Southrail Equities ("Property Owner") The proposed Project is more specifically described below:

The Applicant requests approval of a Conditional Use Permit to operate the Centro de Amistad Church in one suite with a total area of 3,356 square feet within a multi-tenant industrial/office building ("Project"). The Church space will include a 98-seat sanctuary, three Sunday School classrooms, and ministerial/administrative office space. The existing building is single-story, tilt-up warehouse. The site plan in the application shows that approximately 38 parking spaces within the building complex will be available to the church for the church's use, which exceeds the number of spaces required (28 spaces) by the Zoning Ordinance. The church's hours of operation are as follows: Mondays 7:00 p.m. to 9:00 p.m.; Wednesdays from 7:00 p.m. to 9:00 p.m.; and Sundays from 10:00 a.m. to 12:00 noon.

Pursuant to Sections 19.44.040 and 19.54 of the City of Chula Vista Municipal Code, the church is a permitted use upon approval of a Conditional Use Permit.

The Zoning Administrator has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to 15301 (Existing Facilities) of the State CEQA Guidelines. The proposed project consists of negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030 A of the Chula Vista Municipal Code, has been able to make the Conditional Use Permit findings as required by CVMC Section 19.14.080:

***That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.***

This finding is met because the approval of this project will enable the applicant to use the project site to provide church facilities that would help the applicant to provide a

higher level of religious services and spiritual guidance to the community, that are considered as necessary and desirable services to the community.

The proposed use at this location is also necessary and desirable because the project site is located in a light industrial/office complex located in the vicinity of a near-by residential area. The light industrial/office complex contains office, service and industrial businesses, and project-related activities will occur at night and weekends and will not adversely affect operation of the adjacent businesses. The proposed Project has been designed and conditioned to reduce any potential impacts to the adjacent residential area.

***That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.***

The operation of the Church and associated facilities have been designed and conditioned to avoid potential health, safety and noise impacts to nearby residents and businesses. The existing parking spaces exceed the required on-site parking ratio to serve the church, and no additional parking would be necessary. Conditions of approval addressing hours of operation, potential for noise generation have been imposed on the Project. The granting of the conditional use permit enables the City to protect the character and quality of life for the area occupants in the least restrictive manner.

***That the proposed use will comply with the regulations and conditions specified in the code for such use.***

The proposed church is located in an area zoned IL (Limited Industrial) and is designated as an Unclassified Use in that zone, and thus its occupation requires approval of a Conditional Use Permit by the Zoning Administrator. This finding is met because the granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-09-086.

***That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.***

The General Plan designates the site as Limited Industrial. Churches are considered Unclassified Uses that are permitted in any zone, including the IL (Limited Industrial) zone, upon approval of a Conditional Use Permit. The proposed Project has been conditioned to minimize all potential adverse impacts to the site and surrounding area.

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~~December 17, 2010~~  
M.Z.T.

This finding is met because the operation of the Project, as approved by a Conditional Use Permit pursuant to the Chula Vista Municipal Code, is consistent with Limited Industrial (IL) permitted land uses and will not adversely affect implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-09-086 as described above subject to the following conditions:

The following conditions shall apply to the Project Site, and the Applicant or successor-in-interest shall satisfy these conditions prior to issuance of the first building permit for the project, or at the timeframe specified in the condition. Upon completion, the Applicant shall remain in compliance with the conditions as long as the Project relies upon this approval:

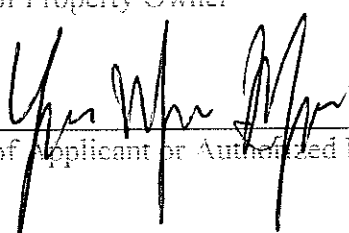
PLANNING DIVISION

1. The Project Site shall be maintained in accordance with the PCC-09-086 approved plans, which include site plans and floor plans on file in the Planning Division, the conditions contained herein, and the Zoning Ordinance (Title 19).
2. The Property Owner and Applicant or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

See next page

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Applicant or Authorized Representative

01-14-11  
Date

3. The Applicant shall apply for and obtain a sign permit for any required site/business identification signs from the Development Services Department in accordance with the Chula Vista Municipal Code Chapter 19.60

Signature Block of "Property Owner" for Document:

Zoning Administrator, Notice of Decision

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**"Property Owner"**

**SOUTHRAIL EQUITIES, LLC,**

a California limited liability company

By: MRB Manager, LLC,  
a Delaware limited liability company,

By:   
Donald Ankeny  
Authorized Signatory

BUILDING DIVISION

4. The Applicant shall apply for required building permits. Permits shall comply with applicable codes and requirements, including but not limited to the 2007 California Building Code (CBC) and Ca. Handicapped Accessibility requirements, 2007 Fire Code, 2007 California Mechanical Code, 2007 California Plumbing Code, 2007 California Electrical Code, and 2008 California Energy Code, as adopted and amended by the State of California and City of Chula Vista. Permits must also comply with the City Green Building Ordinance (CVMC 15.12), and all other locally adopted City and State requirements.
5. Applicant shall provide a fire wall at the property line.
6. Applicant shall verify the occupancy of the tenant space, including the pre-school, nursery and classroom.
7. Based on occupant load, hallway may need to be rated as corridor or passageway.
8. Applicant shall provide a 3-foot door and circulation to the raised area to meet disable access requirements.
9. As an "A" occupancy with two exits required, this project must be designed by an Architect or Engineer licensed by the State of California (California Business and Professional Code 5536.1, 6735).
10. As an "A" occupancy, the allowable area may change. Provide a Building Code Data Legend on the title (first) sheet of the building plans including the following code information:
  - a. Proposed and allowable floor area, CBC Table 503.
  - b. Provide a revised mixed-use area calculation for multiple occupancies.
11. Applicant shall be required to obtain a Certificate of Occupancy prior to occupancy of the suite.

LAND DEVELOPMENT DIVISION

12. Applicant shall obtain a construction permit from the Development Services Department to perform all work in the City's right-of-way, including
  - a. Removal and replacement of any broken curb, gutter or sidewalk as determined by the City Engineer.
  - b. All sidewalks, pedestrian ramps, and driveways shall comply with the City of Chula Vista's Design Standards and ADA requirements.

13. Applicant shall complete Forms 5500 and Form 5501, including in Section 2.VI- "Applicability Checklist and Forms" of the City of Chula Vista Development Storm Water Manual to determine which permanent Storm Water Best Management Practices ("BMPs") need to be implemented at the site.
14. Applicant shall pay at the time of issuance of a Building Permit Sewer Fees and Traffic Signal Fees.

#### FIRE DEPARTMENT

Submit and obtain approval of building plans that comply with the 2007 Fire Code to the satisfaction of the Fire Marshall, and comply with the Fire Department conditions of approval listed below:

15. Applicant shall confirm whether the building has sprinkler and alarm systems.
16. Occupancy classification shall be based on the entire square footage of the building, including the rooms for daycare and offices.
17. Applicant shall provide fire extinguishers for each 3,000 square feet. Travel distance shall not exceed 75 feet.
18. Egress doors shall swing in the direction of egress travel where serving an occupant load of 50 or more persons.
19. Doors shall not be provided with a latch or lock unless it is panic hardware of fire exit hardware.
20. Required exist accesses, exits or exit discharges shall be continuously maintained free from obstruction in case of fire or other emergency when the areas served are occupied. The rear door shall not be obstructed by the platform/stage area.
21. Exit and exit doors shall be marked by approved exit signs readily visible from any direction of egress travel.
22. Exit signs shall be internally or externally illuminated at all times.
23. All drapes, hanging, curtains and other decorative material, including Christmas Trees, that would tend to increase the fire and panic hazards shall be made from a nonflammable material or shall be treated in a flame retardant condition, with a flame-retardant solution approved by the State Fire Marshall.
24. Open flame devices are prohibited in A occupancies.
25. An operational permit shall be required to operate a place of assembly. Applicant shall obtain a permit from the Fire Department.

26. The Building shall be provided with two Knox Box appliances:
  - a. Provide a Know Vault at the main entrance to the building; and
  - b. Provide a Knox Box at the Fire Control room, if sprinklered.
27. The building(s) shall be addressed in accordance with the following criteria:
  - 0-50 ft from the building to the face of the curb = 6-inches in height with a 1-inch stroke;
  - 51-150 ft. from the building to the face of the curb = 10 inches in height wit a 1 1/2-inch stroke;
  - 151 ft. from the building to the face of the curb = 16-inches in height wit a 2-inch stroke.

Upon certification by the Development Services Department for occupancy or establishment of use allowed by this Conditional Use Permit, the following conditions shall apply:

28. The hours of operation of the church shall be limited to Mondays from 7:00 pm - 9:00 pm, Wednesday from 7:00 p.m. to 9:00 p.m., and Sundays from 10:00 a.m. to 12:00 noon.
29. Amplified sound, including church services, musical performances and rehearsals, shall be limited to the hours of operation indicated in Condition 28 above.
30. The Project shall operate in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
31. All exterior doors, including the entry doors, shall be closed during services and all musical performances and rehearsals.
32. If a formal complaint regarding failure to comply with any conditions of approval of this Conditional Use Permit is received by the Director of Development Services, or if the Director determines that a failure to comply with conditions of approval this Conditional Use Permit has occurred, then the Director has the discretion to initiate an investigation which may include requesting the applicant to submit plans, technical studies such as acoustical studies, or other information deemed necessary to review the current Conditional Use Permit. After review, the Director has the discretion to maintain the existing Conditional Use Permit, modify the Conditional Use Permit, or revoke the Conditional Use Permit, pursuant to the requirements of CVMC Section 19.14.270.
33. The number of parking spaces available for exclusive use by the applicant shall not drop below the minimum code requirement of 28 spaces.

34. This Conditional Use Permit authorizes only the use specified in the application for PCC-09-086. Any new use, modification or expansion of the use, or activities not authorized under this Conditional Use Permit, shall be subject to the review and approval of the Zoning Administrator.
35. Upon the receipt of an application for administrative substantial conformance review of this permit and the applicable fee, and finding of substantial conformance, the Zoning Administrator will consider granting of minor modifications to this permit, such as hours of operation, number and capacity of services, without notice or hearing.
36. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14 260 of the Chula Vista Municipal Code. Failure to comply with the any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.
37. This permit shall expire five years after the date of approval, unless the applicant has previously applied for, or the Zoning Administrator has previously granted an extension of this Conditional Use Permit. The applicant is responsible for filing the application requesting an extension of the approved Conditional Use Permit, prior to expiration of the 5-year term. The Zoning Administrator shall review this Conditional Use Permit for compliance with the conditions of approval and shall determine, in consultation with the applicant, whether the project needs to be modified from its original approval as part of the extension approval.
38. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
39. Applicant and his/her successors in interest agree to defend, indemnify and hold harmless the City and its agents, officers and employees, from any claim, action or proceeding against the City, or its agents, officers or employees, to attack, set aside, void or annul any approval by the City, including approval by its Planning Commission, City Council or any approval by its agents, officers, or employees with regard to this Conditional Use Permit, provided the City promptly notifies the Applicant of any claim, action or proceeding and on the further condition that the City fully cooperates in the defense.



40. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this 11th day of February, 2011.

A handwritten signature in black ink, reading "Mary Ladana", is written over a horizontal line.

Mary Ladana,  
Zoning Administrator

Cc: Alex Saucedo, Applicant Representative